



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX

75 Hawthorne Street
San Francisco, CA 94105

May 28, 1996

John Phipps
Forest Supervisor
Attn: Don Errington/Krista Deal
Eldorado National Forest
Pacific Ranger District
7887 Highway 50
Pollock Pines, CA. 95726

Dear Mr. Phipps:

The Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the project entitled **Whale Rock Forest Health Multi-Resource Project, Eldorado National Forest**. Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

The Forest Service proposes to utilize commercial thinning, prescribed burning, and biomass removal to improve forest health within the Whale Rock Analysis area. The area is currently composed of dense understory thickets of white fir and incense cedar created by the preclusion of natural fire regimes, past burning practices, and past timber management practices. Catastrophic levels of tree mortality caused by the effects of insects, drought, wildfire and the proximity to Highway 50 and urbanizing areas have placed the area in a high fire risk condition. Five alternatives were evaluated including the No Action alternative (Alternative A). Each alternative varies the amount, type, and location of commercial thinning, prescribed burning, and biomass removal to emphasize either fuels, wildlife, timber, or multi-resource management.

The preferred alternative, Alternative E, integrates several of the management actions proposed in the other alternatives in order to emphasize wildlife, fire and timber objectives by enhancing wildlife habitat and reducing the risk of catastrophic fire. This alternative would construct fuelbreaks, thin natural stands and plantations, and implement an extensive prescribed burn program. Large trees and streamside management zones would be maintained. Alternative E would also provide a sufficient level of harvest to ensure adequate funding for subsequent biomass removal and prescribed burning. Reforestation activities are not proposed.

We commend the Forest Service for the effort to address multiple resource needs while confronting the serious problem of overstocking, dense stands, and declining forest health. We

agree that poor forest health and the threat of catastrophic fire are the major forest management challenges of today. Because of the scope of these problems and their long-term implications, we strongly urge the Forest Service to address the underlying causes of the existing condition. For instance, other National Forests, such as the Stanislaus National Forest, have developed long-term strategic plans to reintroduce fire as a natural component of the forest ecosystem. When possible, prescribed natural fires are encouraged. While the excessive fuel loads on the Eldorado National Forest may restrict the use of prescribed natural fires, we recommend the development of a long-term fire management policy which will promote fire as a natural component of the forest. Another issue which should be proactively addressed is the growing urban interface and its implications for forest health and management.

The DEIS clearly states that three watersheds will exceed their threshold of concern under the preferred alternative. Furthermore, the preferred alternative proposes the highest level of new roads and road reconstruction. Although we understand the trade-offs between increased harvest and the risk of catastrophic fire, and between reconstructed roads and nonmaintained roads; we remain concerned with the potential water quality impacts to sensitive watersheds which already show stress from past forest practices and fires. Thus, we recommend reconsideration of the type and amount of activity proposed in these sensitive watersheds and full implementation of identified watershed improvement projects.

Because of the above concern, we have classified this DEIS as category EC-2, Environmental Concerns - Insufficient Information (see attached "Summary of the EPA Rating System"). We appreciate the opportunity to review this DEIS. Please send two copies of the Final EIS to this office at the same time it is officially filed with our Washington, D.C. office. If you have questions, please call me at (415) 744-1584, or invite your staff to call Ms. Laura Fujii at (415) 744-1579.

Sincerely,



David J. Farrel, Chief
Office of Federal Activities

Enclosure: (4 pages)

Filename: Whaleroc.dei
MI002659

cc: USFWS, Sacramento
CDFG, Region 4, Fresno
SWRCB, Region 5, Fresno Branch Office

SUMMARY OF RATING DEFINITIONS AND FOLLOW-UP ACTION

Environmental Impact of the Action

LO-Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC-Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO-Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU-Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of environmental quality, public health or welfare. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommend for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1-Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2-Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3-Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From: EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

COMMENTS

Water Quality Comments

1. The DEIS states that Jaybird Creek and Soldier Creek watersheds (pg. IV-94) would continue to have adverse water quality effects under all alternatives. The evidence clearly demonstrates that these watersheds are in very bad condition. Nevertheless, the preferred alternative proposes harvests and extensive prescribed burning in these watersheds. Although we support properly managed and monitored thinning and prescribed burning to address excessive fuels concerns, we remain concerned with the continuing adverse cumulative watershed effects. We strongly recommend full implementation of all the identified watershed improvement needs, reconsideration of the harvest level proposed for these watersheds, maximum use of the proposed special Best Management Practices, and very close validation and efficiency monitoring.
2. Since many of the new and reconstructed roads will be located on ridgetops and upland slopes, the DEIS states that the effect on streams and water quality will be minor (pg. II-55). This assumption of "minor effect" is not persuasively demonstrated in the DEIS. Road or culvert failures on upper slopes have been known to contributed significant amounts of sediment to downslope streams. In addition, upslope failures could have a adverse effect on downslope roads or forest activities, thus causing increased erosion or failure of these lower slope sedimentation sources. We recommend the FEIS include a more thorough discussion of the implications of road locations. We strongly urge closure and decommissioning of any unnecessary road upon completion of the project.

Air Quality Comments

The FEIS should fully disclose potential beneficial and/or adverse impacts to air quality. The need for such full disclosure is even more critical due to the proposed increased use of prescribed burning. The DEIS states that the Mountain Counties Air Basin has some problems with particulate matter and smoke management (pg. III-41). Additional sources of PM10 and smoke will aggravate this situation. Furthermore, the fact that potential impacts may be equal or less than potential impacts under "no action" does not eliminate the requirement for full disclosure pursuant to NEPA.

In addition, there is an affirmative responsibility imposed on the Forest Service to assure that this project will conform to the attainment plan approved for the area [§176(c) of the Clean Air Act (CAA), as amended November 15, 1990]. It is these

provisions of the CAA which address whether or not the project would interfere with attainment or maintenance. Pursuant to §176(c), conformity to an implementation plan means:

"conformity to an implementation plan's purpose of eliminating or reducing the severity and number of violations of the National Ambient Air Quality Standards and achieving expeditious attainment of such standards; and

"that such activities will not (i) cause or contribute to any new violation of any standard in any area; (ii) increase the frequency or severity of any existing violation of any standard in any area; or (iii) delay timely attainment of any standards or any required interim emission reductions or other milestones in any area."

On March 15, 1993, EPA published a proposed rule in the Federal Register on "Determining Conformity of General Federal Actions to State or Federal Implementation Plans." The proposed rule applies to federal activities not related to transportation plans, programs, and projects and which occur in non-attainment or maintenance areas. The proposed rule requires that conformity determinations be made for each (non-transportation) federal activity with a total of direct and indirect emissions of air pollutants exceeding de minimis thresholds. The Clean Air Act prohibits federal approval of a project for which conformity with the SIP cannot be assured.

Fish and Wildlife Comments

We applaud the commitment to follow the management prescriptions and interim guidelines for management of the California Spotted Owl (CASPO). The DEIS also states that the proposed project attempts to incorporate the zoned management approach proposed as the long-term management strategy for maintaining California spotted owl viability (DEIS Managing California Spotted Owl Habitat in the Sierra Nevada National Forests of California).

While EPA strongly supports the efforts of the Forest Service to prevent the need for an endangered species listing for the California spotted owl, we expressed doubts (letter to Ms. Janice Gauthier, July 7, 1995) regarding the ability of the proposed long-term management zone framework to reach the desired condition given the complexity and variability of Sierra Nevada forest ecosystems, the lack of scientific knowledge about these ecosystems, and the decreasing funding and resource base of the Forest Service and land management agencies. Furthermore, there are many unresolved questions regarding issues such as the correct interpretation of historic conditions, role and integration of non-federal land, and role and effect of fire.

Thus, we recommend caution with the proposed new approach and recommend consideration of a more conservative, adaptive management and watershed based approach.

General Comments

1. The goals of the project are stated to be multi-resource management with a focus on reducing fuel loads, and to find replacement timber for the Cox Canyon Timber Sale (pg. S-3). Despite this goal statement, the proposed project focuses on timber harvest and related actions. The FEIS should discuss in greater depth the multi-resource aspects of the project. In addition, describe how this proposed project differs from and avoids the problems and issues encountered in the Cox Canyon timber sale.

2. The DEIS shows a large number of private in-holdings in the Whale Rock Analysis area (pg. III-2). EPA believes it is critical to develop management strategies which address the checkerboard land ownership and jurisdiction commonly found in the Sierra Nevada province. Full consideration of federal, state, and private land holdings and incorporation of interactive planning with the public and other agencies in management strategies is necessary to ensure effective preservation and management of the forest ecosystem. The FEIS should describe in more detail the coordination and collaborative actions taken with private landowners to ensure public and private forest management practices are compatible, if not complementary.

EPA expressed enviro. concerns regarding the potential adverse impacts to water qual. in sensitive watersheds, air qual and the amt. of new road construction.